

ORIGINAL

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DOREEN REDDISH

FILED
APR 27 2 3:17
JUDGE

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DOREEN REDDISH,)
)
Plaintiff,)
)
vs.)
)
RED ROCK RESTAURANTS, INC., a)
Delaware corporation; SIENA)
GOLF CLUB; SUNRISE COLONY)
COMPANY; SUNRISE COLONY)
MANAGEMENT, LLC, a Delaware)
corporation; SUNRISE COLONY)
MANAGEMENT, LLC, a Delaware)
corporation; DOES 1 - 10,)
inclusive; ROE CORPORATIONS)
1 - 10, inclusive,)
Defendants.)

PLAINTIFF'S COMPLAINT
(Jury Demanded)

CV-S-05-0539-KJD-LRL

JURISDICTION AND VENUE

1. This is a civil action for damages and injunctive relief under a variety of state and federal statutes prohibiting discrimination and to secure the protection of and to redress deprivation of rights under these laws and related tort claims.

2. Plaintiff's statutory claims arise under Title VII of the Civil Rights Act of 1964 ("Title VII"), as amended, 42 U.S.C. § 2000e et seq.; the Civil Rights Act of 1991, ("1991 Civil Rights Act"); the Nevada anti-discrimination statute, N.R.S. § 613.310 et seq.; and Section 7(b) of the Age Discrimination in Employment Act (ADEA) of 1967, as amended, 29 U.S.C. § 626(b) ("ADEA").

1 3. This action includes claims arising under the laws of the
2 State of Nevada which are joined pursuant to the doctrine of
3 supplemental jurisdiction and 28 U.S.C. § 1367(a).

4 4. As Plaintiff's employer during the relevant time period,
5 Defendant, RED ROCK RESTAURANTS, INC., (hereinafter "Defendant" or
6 "Red Rock") and Defendants SUNRISE COLONY and SIENA GOLF CLUB
7 (hereinafter "Defendants" or "SUNRISE") were operating within the
8 County of Clark, State of Nevada; were engaged in an industry
9 affecting commerce or in the production of goods for commerce; and
10 employed more than 500 employees in the two calendar years preceding
11 the events in question.

12 5. As an employer in Nevada, Defendants Red Rock and Sunrise
13 are required to comply with all state and federal statutes which
14 prohibit sex discrimination pursuant to state laws and 42 U.S.C. §
15 2000e, et seq., as amended.

16 6. Plaintiff filed a charge of discrimination with the U.S.
17 Equal Employment Opportunity Commission ("EEOC"), on or about June 10,
18 2004. (See Exhibit A, attached.)

19 7. On or about January 28, 2005, Plaintiff received a "Right
20 to Sue" notice from the EEOC indicating Plaintiff had 90 days from
21 that date of the Notice to file a lawsuit against Defendant Red Rock.
22 Plaintiff has therefore fulfilled all jurisdictional requirements for
23 the filing of this suit.

24 8. Venue is proper in the District of Nevada pursuant to 28
25 U.S.C. § 1391(b) because Defendant is incorporated here.

26 **THE PARTIES**

27 9. Plaintiff, DOREEN REDDISH, (hereinafter referred to as
28 "Plaintiff" or "Ms. Reddish") at all times relevant to this Complaint,

1 was a female citizen of the County of Clark, State of Nevada, who was
2 employed by Defendants Red Rock and Sunrise from February 17, 2000 to
3 April 23, 2004.

4 10. Defendants are employers within the meaning of Title VII of
5 the Civil Rights Act of 1964, as amended.

6 11. DOE Defendants 1 through 10, inclusive, and ROE
7 CORPORATIONS, 1 through 10, inclusive, are persons, corporations or
8 business entities who are or which may also be responsible for or who
9 directed or assisted in the wrongful actions of the named Defendants,
10 or who may be individual officers or employees of the named
11 Defendants. The true identities of the DOE Defendants and ROE
12 CORPORATIONS are unknown to Plaintiff at this time. Plaintiff
13 therefore alleges that DOES 1-10, inclusive, and ROE CORPORATIONS 1-
14 10, inclusive, may be responsible in part for the damages or injuries
15 suffered by Plaintiff as a result of their own wrongful actions and/or
16 those of their agents and/or employees. Plaintiff will seek leave to
17 amend this Complaint as soon as the true identities of DOE Defendants
18 1-10, inclusive, are revealed to Plaintiff.

19 **FACTS**

20 12. Plaintiff was hired by Defendants as a bartender/server on
21 or about February 17, 2000. She was 43 years of age at the time.

22 13. On or about October 2001, Plaintiff was asked by the then
23 executive chef, Matt Isham, to assist him in management of the
24 restaurant until a new manager was hired. Mr. Isham chose Plaintiff
25 because she was highly respected by the staff, loved by the regular
26 clientele, and was most familiar with operations and procedures. Her
27 work status remained as a bartender/server, but her additional
28 responsibilities increased her work week to seven days per week, 16

1 hours per day.

2 14. On or about May 4, 2002, Defendants' Food and Beverage
3 Manager, Matt Scherell, presented Ms. Reddish with a Personnel Change
4 Notice that was to change her status from an hourly wage (plus tips)
5 to a salaried position with a new job title, "Supervisor." Ms.
6 Reddish stated to Defendants that she didn't want to go on salary or
7 take on the additional responsibilities of supervisor. It wasn't until
8 Mr. Scherell assured Plaintiff that she would continue in her present
9 position with no additional responsibilities, and receive a salary
10 plus tips, she signed the Personnel Change Notice, even though it had
11 not been properly completed, and included nothing but her name at the
12 top. Ms. Reddish learned that the form was then completed later.

13 15. At around that same time, Ms. Reddish was subjected to age
14 and sex discrimination by Defendants' management and staff, as she
15 became the object of harassing and derogatory comments regarding her
16 age, the fact that she was going through menopause, and her weight.
17 Chef Dan Concepcion, along with other management and staff members,
18 regularly commented on how big her "ass" was and questioned whether
19 she had taken her estrogen pills that day. Other comments included
20 putting her "out to pasture," and one co-worker would make cow sounds
21 when he walked by her. Chef Concepcion made fun of Ms. Reddish's
22 voice in front of her and other management and staff members by
23 mimicking Edith Bunker's high and irritating voice from the tv show,
24 "All in the Family."

25 16. As the harassment continued, Ms. Reddish began to feel that
26 this was a pattern of harassment designed to make her quit her job in
27 order to make room for younger, more attractive servers to take her
28 place. Even though she received many assurances from Defendants that

1 her job was not in jeopardy, Ms. Reddish received notice of her
2 termination on April 23, 2004. The reason given was that Defendants
3 were "moving in a different direction." Ms. Reddish was replaced with
4 two servers, both 20-25 years younger and considered more attractive.

5 **FIRST CAUSE OF ACTION**
6 **Sex Discrimination Under State and Federal**
7 **Anti-Discrimination Statutes**

8 17. Plaintiff repleads and realleges and incorporates herein by
9 reference each and every allegation contained in paragraphs 1 through
10 16 above as if fully set forth.

11 18. Defendants Red Rock and Sunrise were aware of the prior
12 conduct by Defendant's employees when they unlawfully terminated her
13 employment.

14 19. The Defendants, as employers, knew or should have known of
15 their long-standing obligation, pursuant to state and federal
16 statutes, to maintain a workplace free of sex discrimination.

17 20. The Defendants failed to take reasonably adequate steps to
18 prevent sex discrimination in their workplace.

19 21. The Defendants failed to institute effective institutional
20 policies to remedy complaints about conduct which might constitute sex
21 discrimination.

22 22. Therefore, Plaintiff charges that the Defendants have
23 discriminated against her based on her sex, and that the Defendant
24 allowed, authorized and ratified these actions.

25 23. Plaintiff has also suffered serious mental distress as a
26 result of this unlawful discrimination.

27 24. Plaintiff is entitled to be fully compensated for all
28 damages she has sustained.

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1 25. It has been necessary for Plaintiff to retain the services
2 of an attorney and she should be compensated therefor.

3 **SECOND CAUSE OF ACTION**
4 **Age Discrimination Under State and Federal**
 Anti-Discrimination Statutes

5 26. Plaintiff repleads, realleges and incorporates herein by
6 reference every allegation contained in paragraphs 1 through 25 above
7 as if fully set forth.

8 27. Plaintiff is informed and believes and therefore alleges
9 that Defendants replaced Plaintiff in the position which she formerly
10 held with substantially younger persons.

11 28. Plaintiff alleges that she was given unequal treatment
12 compared to younger similarly situated employees. She was subjected
13 to this unequal treatment in the conditions and privileges of
14 employment.

15 29. The discharge of Plaintiff from her position by Defendants
16 was because of Plaintiff's age, which constitutes a violation of 29
17 U.S.C. § 623(a)(1), et seq. and therefore, entitles Plaintiff to
18 relief under the provisions of 29 U.S.C. § 626.

19 30. The termination of Plaintiff's employment by Defendants
20 constitutes a willful violation of 29 U.S.C. § 623 and as such,
21 entitles Plaintiff to recover double damages.

22 31. At the time of her discharge, Plaintiff earned an annual
23 salary and received health, vacation and other benefits. As a direct
24 result of these unlawful acts, Plaintiff has suffered and continues
25 to suffer financial loss, benefit loss and severe emotional distress.

26 32. As a result of Defendants' discriminatory practices,
27 Plaintiff has suffered mental anguish and humiliation. As a further
28 result of Defendants' discriminatory practices, Plaintiff has suffered

1 and will continue to suffer monetary damages.

2 33. Defendants committed the acts herein maliciously,
3 fraudulently and oppressively, with the wrongful intention of injuring
4 Plaintiff because of her age and in conscious disregard of Plaintiff's
5 right to be free from discrimination. Plaintiff is thus entitled to
6 recover punitive or exemplary damages to punish and deter Defendants
7 from such conduct and to set an example for others.

8 **THIRD CAUSE OF ACTION**
9 **Injunctive Relief**

10 34. Plaintiff repleads and realleges and incorporates herein by
11 reference each and every allegation contained in paragraphs 1 through
12 33 above as if fully set forth.

13 35. That pursuant to 42 U.S.C. § 2000e-2 et seq., Plaintiff
14 seeks injunctive relief from this Court requiring Defendants to take
15 all steps necessary to evaluate the existence of conduct in its
16 workplace which might constitute discrimination and institute
17 effective educational and prevention programs to prevent or remedy
18 conduct which might constitute sex discrimination; and to take
19 appropriate disciplinary action against all employees who participated
20 in, tolerated or failed to act to prevent, stop or remedy the acts of
21 sex and age discrimination against Plaintiff.

22 36. As a result, Plaintiff has been harmed and has suffered
23 damages, both economically and emotionally, by this unlawful
24 harassment and sex and age discrimination and is entitled to be fully
25 compensated therefore.

26 37. It has been necessary for Plaintiff to retain the services
27 of an attorney and she should be compensated therefor.

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1 **FOURTH CAUSE OF ACTION**
2 **Intentional Infliction of Emotional Distress**

3 38. Plaintiff repleads, realleges and incorporates herein by
4 reference every allegation contained in paragraphs 1 through 37 above
5 as if fully set forth.

6 39. The aforementioned conduct of Defendants constitutes
7 extreme and outrageous conduct and was performed with the intent,
8 reasonable knowledge or reckless disregard that such actions would
9 cause severe emotional harm and distress to Plaintiff, and did in fact
10 cause such harm.

11 40. The other Defendants authorized and/or ratified the
12 conduct of the named Defendants by failing to take measures to
13 prevent further reoccurrences.

14 41. As a result, Plaintiff has been harmed and has suffered
15 damages and she is entitled to be compensated therefor

16 42. It has been necessary for Plaintiff to retain the services
17 of an attorney and she should be compensated therefor.

18 **FIFTH CAUSE OF ACTION**
19 **Negligent Infliction of Emotional Distress**

20 43. Plaintiff repleads, realleges and incorporates herein by
21 reference every allegation contained in paragraphs 1 through 42 above
22 as if fully set forth.

23 44. Defendants owed a duty to exercise due care not to subject
24 Plaintiff to foreseeable risk of mental, emotional, and/or physical
25 injury. Defendants knew or should have known that such acts and/or
26 omissions as herein alleged, were likely to result in mental,
27 emotional and/or physical injury to Plaintiff.

28 ///

1 45. Defendants, while engaging in the aforementioned conduct,
2 did negligently inflict extreme mental and emotional distress,
3 indignity, embarrassment, and humiliation upon Plaintiff.

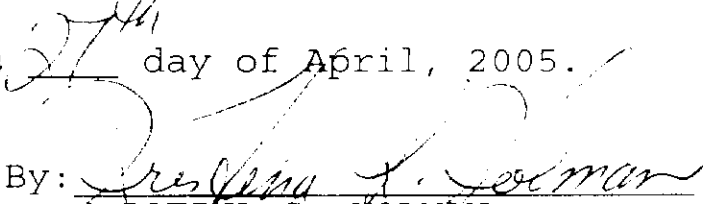
4 46. As a direct and proximate result of the Defendants'
5 negligent infliction of such emotional distress, Plaintiff has
6 suffered damages and is entitled to recover compensatory damages and
7 other damages related thereto.

8 47. It has been necessary for Plaintiff to retain the services
9 of an attorney and she should be compensated therefor.

10 WHEREFORE, Plaintiff respectfully prays as follows:

- 11 1. A trial by jury on all issues;
12 2. All employment-related losses subject to proof;
13 3. All compensatory, special and general damages allowed by
14 law;
15 4. Injunctive relief as set forth above;
16 5. Attorneys' fees and costs of suit incurred herein;
17 6. Prejudgment interest;
18 7. Punitive damages in an amount sufficient to punish and deter
19 Defendants from engaging in any such conduct in the future and as an
20 example to other employers not to engage in such conduct; and
21 8. For such other and further relief as the Court shall deem
22 just and proper.

23 Respectfully submitted this 27th day of April, 2005.

24
25 By: 
KRISTINA S. HOLMAN
26 Nevada State Bar No. 3742
4475 South Pecos Road
27 Las Vegas, Nevada 89121
Attorney for Plaintiff,
DOREEN REDDISH

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EXHIBIT A

CHARGE OF DISCRIMINATION

AGENCY CHARGE NUMBER

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

☒ FEPA
☐ EEOC052604333L
34BA400788Nevada Equal Rights Commission and EEOC
State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

HOME TELEPHONE (Include Area Code)

Ms. Doreen Reddish

(702) 889-2652

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

9625 W. Russell Rd, #2111, Las Vegas, NV 89148

08/08/1956

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE,
STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME NUMBER OF EMPLOYEES, MEMBERS TELEPHONE (Include Area Code)

Red Rock Restaurants

Cat A (15-100)

(702) 562-2653

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

10565 Siena Monte Dr., Las Vegas, NV 89144

003

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

DATE DISCRIMINATION TOOK PLACE
EARLIEST LATEST☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☒ AGE ☐ DISABILITY ☐ OTHER (Specify)

12/01/2003 04/23/2004

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

On February 17, 2000, I was hired as a Bartender. On or about December 1, 2003 through April 23, 2004, I was subjected to harassment and sexual harassment. On April 23, 2004, I was discharged.

HARASSMENT: On or about December 1, 2003 through April 23, 2004, I was subjected to harassment in the form of, but not limited to disparaging remarks, referring to my age. On occasions, it would be mentioned that needed to be put out to the pasture.

SEXUAL HARASSMENT: On or about December 1, 2003 through April 23, 2004, was sexually harassment in the form of comments about my body parts by D Concepcion, Chef.

DISCHARGE: On April 23, 2004, I was discharged. I was replaced by a young male and two young lovely female.

I believe that I was discriminated against because of my age, 47, and sex, Female, in violation of Title VII of the Civil Rights Act of 1964, amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

Date

Charging Party (Signature)

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Month, day and year)